

REMARKS

This is in response to the Advisory Action of August 30, 2010 and the Final Office Action of July 8, 2010 in connection with this matter. This Preliminary Amendment is filed in connection with a Request for Continued Examination. With this response, claim 1 is amended, claims 9-11 and 24-35 are canceled and all pending claims 1-8 are presented for reconsideration and favorable action.

In the Office Action, the claims were rejected based upon Stafford (US 5,763,118) in view of Izaki et al. (US 2002/0113685) and further in view of Maggert et al. (US 6,724,170). However, it is believed that the pending claims are patentably distinct from these references.

Initially, Applicant notes that the claimed invention includes a first layer of thermally conductive material and a second layer of thermally insulating material. In the Office Action, element 42 of Stafford (see Figure 4) was identified as being a thermally conductive material. Further, element 48 of Stafford was identified as being a thermally insulating material. However, this is not discussed in Stafford. In fact, Stafford indicates that layer 48 may be of the same material as heat conductive layer 42 (see col. 5, lines 27-30). Therefore, Stafford teaches away from the claimed invention in which the outer layer is a thermally insulating layer. For this reason the rejection should be withdrawn.

Further, amended independent claim 1 describes first and second half shells which are positioned on opposing sides of the plurality of electrical storage cells. This is not shown in Stafford in which the half shells only cover a single battery cell rather than a plurality. For this additional reason the rejection should be withdrawn.

Amended independent claim 1 further describes a gap between the first and second half shells to allow thermal expansion of the half shells during heating. This also is not shown in Stafford and therefore the rejection should be withdrawn.

It is believed that the pending claims are patentably distinct from the cited references. Applicant respectfully requests the opportunity to hold an Interview with the Examiner to further discuss the pending claims with respect to the cited art. Consideration and favorable action are respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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